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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,215	12/11/2003	Joshua J. Chesser	334-1028	1803
2574	7590	08/04/2005	EXAMINER	
JENNER & BLOCK, LLP ONE IBM PLAZA CHICAGO, IL 60611			ESTREMSKY, GARY WAYNE	
			ART UNIT	PAPER NUMBER
			3676	
DATE MAILED: 08/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/735,215

Applicant(s)

CHESSER ET AL.

Examiner

Gary Estremsky

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 6-12 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Conclusion***

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/25/05 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/54100 to Velschou in view of U.S. Pat. No. 5,222,776 to Georgopoulos.

1, 3, 5, and 13

Velschou '100 teaches Applicant's claim limitations including : a "cable lock body"  
- including 12, "cable" - 1, a "first end" - at 6,, a "mechanism" - including 14, a "housing"  
- outer cylindrical portion of 5 as shown in Fig 3 for example, "a base adapted to be

Art Unit: 3676

permanently affixed to a structure to be secured" - any of the sides of the housing 5 are inherently adapted to be affixed to some other structure via gluing, welding, fasteners, etc.. It has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

While the 'second end' of the cable of Velschou '100 isn't illustrated as having an "abutment" as claimed, the reference explicitly suggests that other known means of securing that end with the housing is within teaching of the reference. Georgopoulos '776 discloses a similar device with a ferrule (reads on "abutment" limitation) for retaining the cable's second end. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cable assembly of Velschou '100 with an abutment as taught by Georgopoulos '776 as a design choice or engineering expedient since one of ordinary skill in the art would recognize it to be a generally equivalent means of securely attaching the cable and would have more than a reasonable expectation of success since the proposed modification would not otherwise affect function of the device.

As regards claim 3, Velschou '100, as modified teaches all claim limitations except for the lock body being secured within the housing by "adhesive". Velschou '100 discloses a permanent snap-fit connection but it would have been an obvious design choice or engineering expedient for one of ordinary skill in the art at the time of the invention to adhesive connect the lock body and housing of Velschou '100 as an equivalent means of fixing in order to more permanently fix the components.

As regards claim 5, although Velschou '100 discloses a disc-like locking member, "ball" and "Spring" arrangements for that same function are well known in the art as shown by Georgopoulos '776. It would have been an obvious design choice or engineering expedient for one of ordinary skill in the art at the time of the invention to provide the seal of Velscou '100 with a ball and spring locking arrangement to reduce manufacturing costs for example where balls such as that shown are readily available from outside manufacturers.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over \*\*\*.  
WO 01/54100 to Velschou in view of U.S. Pat. No. 5,222,776 to Georgopoulos and further in view of U.S. Pat. No. 4,681,355 to Brammall.

Velschou '100, as modified teaches all claim limitations except for the lock body being secured within the housing by a "weld". Velschou '100 discloses a permanent snap-fit connection but welding the lock body to the housing is well known in the art as shown by Brammall '355 for example. It would have been an obvious design choice or engineering expedient for one of ordinary skill in the art at the time of the invention to weld connect the lock body and housing of Velschou '100 as taught by Brammall '355 in order to more permanently fix the components.

***Allowable Subject Matter***


5. Claims 4 and 6-12 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary Estremsky  
Primary Examiner  
Art Unit 3676